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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,822	09/08/2003	Robert Ray Hanson	61605-3	1155

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DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

EXAMINER	
ALLISON, ANDRAE S	
ART UNIT	**PAPER NUMBER**
2624	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,822	HANSON, ROBERT RAY	
	Examiner	Art Unit	
	Andrae S. Allison	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *September 8, 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *April 19, 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al (Pub No.: 2002/0159592) in view of Giaccherini et al (Pub No.: US 2002/0085588).

As to claim 4, Matsushima discloses a method comprising: receiving an audiovisual master file from a movie recording studio (content list 700, see Fig 2 and [p][0038], line 1-7), the audiovisual master file being in a first encoded and compressed format; encrypting the encoded audiovisual master file to create an encrypted encoded audiovisual master file (encrypted content, column [0101], lines 1-3); generating keys (encrypted content key, [p][0102], lines 1-6) associated with the encrypted encoded audiovisual master file for using in decoding the encrypted encoded audiovisual master file; transmitting the encrypted encoded audiovisual master file and the associated keys to a distribution point host computer (101, distribution server apparatus; see Fig 1 and [p][0114], lines 7-9) ; loading the transmitted encrypted encoded audiovisual master file on the distribution point host computer; linking the distribution point host computer with a self-contained entertainment device (102, content reception terminal, see Fig 1) and

establishing bi-directional authentication (mutual authentication, [p][0114], lines 13) between the distribution point host computer and the self-contained entertainment device through use, in part, of an input-output of the self-contained entertainment device ([p][0114], lines 12-15); after bi-directional authentication occurs, using the distribution point host computer to delete at least some of the previously loaded encrypted encoded audiovisual master files from the self-contained entertainment device; using the distribution point host computer to transfer the newly loaded encrypted encoded audiovisual master file and keys associated with the newly loaded encrypted encoded audiovisual master file to the self-contained entertainment device to which the distribution point host computer is linked without decryption (note that the content is still encrypted during the writing process, see [p][0112-0122) the newly loaded encrypted encoded audiovisual master file being transferred to the self-contained entertainment device ([p][0114], lines 8-11); and storing the newly loaded encrypted encoded audiovisual master file and the keys associated with the newly loaded encrypted encoded audiovisual master file on an encrypted hard drive (103, recording medium, see Fig1) of the self-contained entertainment device to which the distribution point host computer is linked ([p][0114], lines 15-18).

Matsushima does not disclose expressly the audiovisual master file being in a first encoded and compressed format and after bi-directional authentication occurs, using the distribution point host computer to delete at least some of the previously loaded encrypted encoded audiovisual master files from the self-contained entertainment device. However, it would have been obvious to have the audiovisual

master file being in a first encoded and compressed format because encoding reducing the amount of storage space required for the audiovisual master file, thereby compressing the audiovisual master file, furthermore MPEG-4 or MPEG-2 are well know compression standards in the art (OFFICAL NOTICE; see MPEG 2144.03). Also, it would have been obvious to have used the distribution point host computer to delete at least some of the previously loaded encrypted encoded audiovisual master files from the self-contained entertainment device to make storage space available on the hard drive of the self-contained entertainment device so that the new content can be loaded unto the self-contained entertainment device.

Additionally, Matsushima does not disclose expressly wherein the storage medium is an encrypted hard drive. Giaccherini discloses an apparatus for secure and copy proof distribution of data (see abstract) that includes wherein the storage medium is an encrypted hard drive (50, see Fig 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substituted the storage medium of Matsushima with the encrypted hard drive of Giaccherini to more conveniently protect the audiovisual master file and associated files stored on the self-contained entertainment device without encrypting individual files.

As to claim 3, Matsushima discloses a system comprising: a sound output; a visual display (104, see Fig 1); a processor (microprocessor, [p][0035], line 2); encrypted audiovisual files (encrypted content, [p][0114], line 9); an encrypted hard

drive containing the encrypted audiovisual files; a hard drive decryptor configured for decrypting the encrypted hard drive; a file decryptor (decryption key, [p][0156], line 6) for decrypting the encrypted files ([p][0156], lines 6-9); an input-output with unique physical configuration; an input-output authenticator (128, see Fig 1) configured to authenticate a device attempting to communicatively link to the input-output ([p][0086], lines 1-4); a case being secured with anti-tamper fasteners; and an evidentiary seal positioned to rupture when a portion of the case is dissembled.

Matsushima does not disclose expressly a case being secured with anti-tamper fasteners; an evidentiary seal positioned to rupture when a portion of the case is dissembled; a sound output and an input-output with unique physical configuration . However, it would have been obvious to have a case being secured with anti-tamper fasteners and an evidentiary seal positioned to rupture when a portion of the case is dissembled so that it would be difficult for a person to open the self-contained entertainment device and if he or she was successful the evidentiary seal would rupture or break to show that someone has tampered with the self-contained entertainment device, thereby providing a second line of defense. Also, it would have been obvious to have a sound output so that a user could listen to the sound of the audiovisual presentation and an input-output with unique physical configuration to that only object or item with the unique physical configuration would be to connect to the input-output.

Additionally, Matsushima does not disclose expressly an encrypted hard drive containing the encrypted audiovisual file and a hard drive decryptor configured for

decrypting the encrypted hard drive. Giaccherini discloses an apparatus for secure and copy proof distribution of data (see abstract) that includes wherein the storage medium is an encrypted hard drive (50, see Fig 5) and a hard drive decryptor configured for decrypting the encrypted hard drive (52, see Fig 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substituted the storage medium of Matsushima with the encrypted hard drive of Giaccherini to more conveniently protect the audiovisual master file and associated files stored on the self-contained entertainment device without encrypting individual files.

As to claim 5, note the discussion of claim 3 above.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al (Pub No.: 2002/0159592) in view of Giaccherini et al (Pub No.: US 2002/0085588) further in view of Tehranchi et al (US Patent No.: 7,043,019)

As to claim 1, all the limitations are discussed above except adding watermark characters to the encoded audiovisual master file and adding camera artifacts to the encoded audiovisual master file.

Niether Matsushima or Giaccherini disclose expressly adding watermark characters to the encoded audiovisual master file and adding camera artifacts to the encoded audiovisual master file. Tehranchi disclose a method for displaying a copy deterrent pattern (column 1, lines 5-10) that includes adding watermark characters

(column 5, lines 25-58) to the encoded audiovisual master file and adding camera artifacts to the encoded audiovisual master file (note that the camera artifacts are only produced when the audiovisual presentation is recorded by a video camera, see column 5, lines 30-35).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the method for displaying a copy deterrent pattern of Tehranchi to the content (e.g. movies) of Matsushima as modified by Giaccherini to use modulation frequency and modulation timing in order to obtain aliasing of a projected image when sampled by a video capture device, thereby obscuring an illegal copy of the projected image (column 5, lines 40-50).

As to claim 2, Matsushima teaches the method further including using the self-contained entertainment device to subsequently decrypt the newly loaded encrypted encoded audiovisual master file stored on an encrypted hard drive of the self-contained entertainment device using the keys associated with the newly loaded encrypted ([p][0156], lines 1-9) encoded audiovisual master file stored on an encrypted hard drive of the self-contained entertainment device to display audiovisual presentation of the newly loaded encrypted encoded audiovisual master file stored on an encrypted hard drive of the self-contained entertainment device to a person who rented the self-contained entertainment device.

Conclusion

The prior art made part of the record and not relied upon is considered pertinent to applicant's disclosure.

Fetkovich (US Patent No.: 7,088,823) is cited to teach a method for controlling access to digital information.

Maeda (US Patent No.: 7,099,473) is cited to teach an information processing apparatus and method.

Thomas, III et al (Pub No.: 2002/0112161) is cited to teach a method and system for software authentication in a computer system.

Matsuyama et al (Pub No.: 2002/0027992) is cited to teach a method and system for content distribution.

Brown, SR. (Pub No.: 2003/0018917) is cited to teach a method and apparatus for delivering of digital media using pocketsized encryption data.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571) 270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

January 3, 2007

A. A.

JOSEPH MANCUSO
SUPERVISORY PATENT EXAMINER